

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Laura Strauss	Team: Squad #6	CCRB Case #: 201810699	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/18/2018 3:10 PM	Location of Incident: 2300 Adam Clayton Powell Jr. Boulevard	Precinct: 32	18 Mo. SOL 6/18/2020	EO SOL 2/2/2021	
Date/Time CV Reported Tue, 12/18/2018 4:53 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/26/2018 11:03 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM James Tibball	10500	964801	032 PCT
2. POM George Mastrokostas	22259	935263	032 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Steven Curatolo	14944	956561	032 PCT
2. POM Daniel Gines	19125	958634	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM George Mastrokostas	Abuse: Police Officer George Mastrokostas questioned § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On December 18, 2018, § 87(2)(b) filed this complaint over the phone with the NYPD's Internal Affairs Bureau, on behalf of her son, § 87(2)(b). On December 26, 2018, the CCRB received this complaint from IAB, under original log number 18-49503.

On December 18, 2018, at approximately 3:15 p.m., § 87(2)(b) and her son, § 87(2)(b) walked into Popeyes, located at 2300 Adam Clayton Powell Jr. Boulevard in Manhattan. Police Officer George Mastrokostas, of the 32nd Precinct, gestured for § 87(2)(b) to come toward him. PO Mastrokostas allegedly asked § 87(2)(b) why he had been in Popeyes earlier trashing the store (**Allegation A: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) responded that he was not, and PO Mastrokostas stated that he matched the description of a potential suspect. A group of students stated that it was not § 87(2)(b) and § 87(2)(b) then left Popeyes.

Police Officer James Tibball, Police Officer Daniel Gines, and Police Officer Steven Curatolo, of the 32nd Precinct, were also present. § 87(4-b), § 87(2)(g)
§ 87(2)(b) No arrests or summonses resulted from this incident.

There was no video footage obtained of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer George Mastrokostas questioned § 87(2)(b)

It is undisputed that after a 911 call was made regarding a crime in progress at Popeyes, PO Curatolo, PO Gines, PO Mastrokostas, and PO Tibball responded to the location. Shortly thereafter, § 87(2)(b) and § 87(2)(b) walked into Popeyes. PO Mastrokostas spoke to § 87(2)(b) regarding the previous incident that had occurred.

§ 87(2)(b) testified (Board Review 01) that immediately after he and his mother stood in line at Popeyes, PO Mastrokostas gestured with his hand for § 87(2)(b) to come toward him. § 87(2)(b) walked toward PO Mastrokostas, who asked him, "Why were you in here earlier messing the place up?" § 87(2)(b) replied that he was not. § 87(2)(b) began yelling that it was not § 87(2)(b) and that PO Mastrokostas cannot accuse him of doing anything. PO Mastrokostas responded that it was § 87(2)(b) because he was wearing a green coat. A group of students in Popeyes then began stating that it was not § 87(2)(b) and he and his mother left.

§ 87(2)(b)'s testimony (Board Review 02) was generally consistent with § 87(2)(b)'s, except that she stated that PO Mastrokostas said to § 87(2)(b) "You were in here messing up the store."

PO Mastrokostas testified (Board Review 03) that the radio run included information about the potential suspect's jacket color, which may have been green. In Popeyes, a female customer was standing next to PO Mastrokostas and his partner. When § 87(2)(b) and § 87(2)(b) walked into Popeyes, the female pointed at § 87(2)(b) and stated, "That's him." Additionally, § 87(2)(b) was wearing a green jacket, which fit the description provided in the radio run. PO Mastrokostas gestured with his hand for § 87(2)(b) to come toward him, which he did. PO Mastrokostas asked § 87(2)(b) what he was doing and § 87(2)(b) replied that he did not do anything. PO

Mastrokostas did not say, “Why were you in here earlier messing the place up?” or ask § 87(2)(b) any other questions about his involvement in the incident. § 87(2)(b) began yelling that her son had been with her and asked PO Mastrokostas what he was accusing her son of doing. PO Mastrokostas then determined that § 87(2)(b) had not committed a crime or violation, apologized, and he and his partner left Popeyes.

PO Tibball testified (Board Review 04) that he did not recall whether the radio run included a description of any suspects. When § 87(2)(b) and § 87(2)(b) entered Popeyes, a female individual who was ordering food next to PO Tibball and PO Mastrokostas pointed at § 87(2)(b). She stated, “Oh that’s one of them,” referring to one of the individuals who was involved in the earlier incident. PO Mastrokostas then asked § 87(2)(b) “Can I ask a question?” § 87(2)(b) did not respond. § 87(2)(b) became defensive and stated that her son was not involved. PO Tibball did not recall whether PO Mastrokostas asked § 87(2)(b) if he was there earlier “messing the place up.” PO Mastrokostas did not ask § 87(2)(b) anything else regarding his involvement in the incident. Young individuals in the store then began stating that § 87(2)(b) was not involved, and § 87(2)(b) and § 87(2)(b) left Popeyes.

PO Curatolo testified (Board Review 05) that aside from receiving a radio run for a crime in progress, he did not recall any additional information provided about the crime or potential suspects. Neither he nor his partner, PO Gines, spoke to § 87(2)(b) or § 87(2)(b). Either PO Mastrokostas or PO Tibball spoke to § 87(2)(b) and § 87(2)(b) but PO Curatolo did not recall whom. PO Curatolo did not hear any of their conversation. § 87(2)(b) appeared to be upset and then left with § 87(2)(b).

NYPD Patrol Guide, Procedure 212-11, states that an officer may ask a civilian pointed or accusatory questions when there is founded suspicion that criminal activity is afoot, which may arise when there is some indication of criminality based on observable conduct or reliable hearsay information (Board Review 06).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 09).
- PO Mastrokostas has been a member of service for 15 years and has been a subject in 11 CCRB complaints and 31 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- On March 29, 2019, this case was sent to mediation and on May 6, 2019, the case was returned to investigation as PO Mastrokostas declined to mediate this complaint.
- A Notice of Claim Inquiry was submitted to the NYC Comptroller's Office on July 2, 2019 and will be included in the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 10).

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date